

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	Case No. 1:11-CR-98-001
)	
vs.)	
)	
Errick Roscoe,)	
)	
Defendant.)	

O R D E R

Defendant moves the Court to reconsider its order denying him a reduction in sentence pursuant to Amendment 782 to the Sentencing Guidelines. Doc. No. 61. Amendment 782 amended the Drug Quantity Tables by lowering the offense levels for certain drug-trafficking crimes. United States v. Freeman-Payne, ___ Fed. Appx. ___, No. 15-1794, 2015 WL 5255056, at *6 (6th Cir. Sept. 10, 2015). The Court, however, denied Defendant's motion for a reduction in sentence because, although he was charged with a drug-trafficking offense, his advisory sentencing range was calculated pursuant to the Guidelines for firearms offenses. Doc. No. 60. The Court, in other words, determined that Defendant is not eligible for a sentence reduction because he was not originally sentenced pursuant to a Guidelines range that subsequently had been lowered. United States v. Hameed, 614 F.3d 259, 262 (6th Cir. 2010); see also United States v. Castro, 612 Fed. Appx. 589, 589 (11th Cir. 2015) ("Because Castro was sentenced under the guideline for firearm offenses, U.S.S.G. § 2K2.1, not the drug quantity table, he was ineligible for a reduction of his sentence under Amendment 782.").

Defendant's motion for reconsideration fails to demonstrate that the Court clearly erred in denying his motion for a reduction in his sentence or that there is some other ground, such as a newly-discovered or a change in controlling law, which warrants granting him relief. Turcar, LLC v. I.R.S., 451 Fed. Appx. 509, 516-17 (6th Cir. 2011). Defendant's contention that he was sentenced according to the Drug Quantity Table is simply incorrect.

Accordingly, Defendant's motion for reconsideration is not well-taken and is **DENIED.**

IT IS SO ORDERED

Date March 2, 2016

s/Sandra S. Beckwith
Sandra S. Beckwith
Senior United States District Judge